UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,647	07/02/2001	Hiroyasu Karimoto	33764	5920

116 7590 05/22/2007

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER	
BASHORE, WILLIAM L	
ART UNIT	**PAPER NUMBER**
2176	

MAIL DATE	DELIVERY MODE
05/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/869,647
Filing Date: July 02, 2001
Appellant(s): KARIMOTO ET AL.

Suzanne B. Gagnon
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/7/2006 appealing from the Office action mailed 8/3/2005.

The present Supplemental Answer corrects an error regarding failure to include the KAY reference within section "Evidence Relied Upon". No new arguments are presented, and no new ground(s) of rejection have been made.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,340,978	MINDRUM	1-2002
6,694,482	ARELLANO ET AL.	2-2004
6,694,311	SMITH	2-2004
6,103,964	KAY	8-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 8-10, 15-21, 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum (hereinafter Mindrum), U.S. Patent No. 6,340,978 issued January 2002, in view of Arellano et al. (hereinafter Arellano), U.S. Patent No. 6,694,482 issued February 2004.

In regard to independent claim 1, Mindrum teaches creation of a "Life Story" from a set of user submissions (Mindrum Abstract, column 2 lines 31-41).

Mindrum teaches storage of life information data in a database, said database typically utilizing indexes (i.e. primary, secondary keys, etc.) for holding a plurality of added data from many different users (Mindrum column 9 lines 11-16, see also column 10 lines 37-45 "unique id").

Mindrum teaches a user accessing said database for specific information (i.e. element indexes) via an interactive headstone. The results are outputted to the user as a creation (Mindrum column 15 lines 64-67, see also column 12 lines 34-41).

Mindrum does not specifically teach calculating a correlation among sets and obtaining sets satisfying an evaluation reference. However, Arellano teaches a method of creating an interactive multimedia application that can dynamically adapt to a user (Arellano Abstract, column 4 lines 49-61). Arellano uses a User Agent to re-evaluate the importance of features and values by utilizing correlation computations between features (Arellano column 9 lines 43-54, see also column 10 lines 4-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Arellano to Mindrum, providing Mindrum the benefit of dynamically updating a Life Story presentation by automatically choosing the best appropriate material submitted by friends of the deceased.

In regard to dependent claim 2, Mindrum teaches scenario elements (parts of a Life Story) Mindrum Figure 5).

In regard to dependent claim 3, Mindrum does not specifically teach "5W1H" information (Who, What, Where, When, Why, and How). However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The information provided typically includes life information (i.e. who the deceased was, what he/she was doing, where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to use 5W1H type information to describe a person's life stored in the form of a plurality of element indexes (i.e. a pair, etc.). It would have been

obvious to one of ordinary skill in the art at the time of the invention to use 5W1H, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to claims 8-10, claims 8-10 reflect the apparatus comprising computer executable instructions used for performing the methods as claimed in claims 1-3 respectively, and are rejected along the same rationale.

In regard to dependent claims 15-18, Mindrum teaches a database over the Internet, as well as a CD for home storage and playback (Mindrum column 13 lines 59-67 to column 14 lines 1-67).

In regard to independent claim 19, claim 19 incorporates substantially similar subject matter as claimed in claim 8, and in further view of the following, is rejected along the same rationale.

Mindrum teaches a database table for editing of various information (i.e. phrases) (Mindrum column 10 lines 40-67).

In regard to dependent claims 20, 21, Mindrum teaches a database for storing multimedia data referenced by indexes (i.e. primary, secondary keys, etc.) (Mindrum column 10 lines 35-67).

Mindrum does not specifically teach "5W1H" information (Who, What, Where, When, Why, and How). However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The information provided typically includes life information (i.e. who the deceased was, what he/she was doing, where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to use 5W1H type information to describe a person's life stored in the form of a plurality of element indexes (i.e. a pair, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use 5W1H, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to dependent claim 23, Mindrum teaches elements stored in a database, said elements can be searched accordingly in order to produce a finished product (Mindrum column 10 lines 35-67).

In regard to dependent claims 24-30, Mindrum teaches physical entities (i.e. scanned photos, etc.), as well as a way to update (edit/add/delete, etc.) information accordingly (Mindrum column 10 lines 35-67, column 14 lines 10-15). Mindrum creates a finished product without creating collisions between various media in the presentation.

In regard to independent claim 31, claim 31 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 32, Mindrum teaches a CD (Mindrum Figure 6 item 95).

Claims 4-5, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum in view of Arellano, and further in view of Smith (hereinafter Smith), U.S. Patent No. 6,694,311 issued February 2004.

In regard to dependent claims 4, 5, Mindrum does not specifically teach vectors plotted, scattered and analyzed in a tank (i.e. a graph). However, Smith teaches query approximation associated with a multimedia database using vector plotting, which form angles (Smith column 5 lines 10-15, also Abstract and Figures 4, 5). It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply Smith to Mindrum, providing Mindrum the benefit of vector analysis for a more accurate search of database indexes.

In regard to claims 11, 12, claims 11,12 reflect the apparatus comprising computer executable instructions used for performing the methods as claimed in claims 4,5 respectively, and are rejected along the same rationale.

Claims 6, 7, 13, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum in view of Arellano, and further in view of Kay (hereinafter Kay), U.S. Patent No. 6,103,964 issued August 2000.

In regard to dependent claims 6, 7, Mindrum does not specifically teach producing a music creation along with a scenario creation. However, Kay teaches generation of algorithmically altered musical effects by analyzing notes of inputted music (Kay Abstract, column 2 lines 56-67, column 3 lines 10-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kay's music generation to the audio elements of Mindrum, providing Mindrum the benefit of alternative music selections for enriching the multimedia experience.

Mindrum does not specifically teach "5W1H" information (Who, What, Where, When, Why, and How). However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The information provided typically includes life information (i.e. who the deceased was, what he/she was doing, where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to use 5W1H type information to describe a person's life stored in the form of a plurality of element indexes (i.e. a pair, etc.). It would have been obvious to one of ordinary skill in the art at the time

of the invention to use 5W1H in its creations, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to claims 13, 14, claims 13, 14 reflect the apparatus comprising computer executable instructions used for performing the methods as claimed in claims 6, 7 respectively, and are rejected along the same rationale.

In regard to dependent claim 22, Mindrum does not specifically teach genetic algorithms. However, Kay teaches generation of algorithms for musical effects, said algorithms can be genetic, since elements of an effect can be substituted for another (Kay Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kay to Mindrum, providing Mindrum the benefit of genetic algorithms for more accurate audio effects.

(10) Response to Argument

Pages 4-8 of Appellant's brief (hereafter the brief) are substantially directed to a discussion of claim grouping, a statement of issues, and relevant law. Beginning on page 9 of the brief, Appellant argues the following issues, which are accordingly addressed below.

a. "***Since the recordations of the recorded life story are not element indexes, the Mindrum user interface does not teach extracting the element indexes for the recorded life story***" (page 9 – at bottom, of the brief).

The examiner respectfully disagrees. Mindrum teaches both creation and viewing of a person's "life story", the individual media of said story stored in a database (see at least Mindrum column 12 lines 34-37). In addition to an interactive headstone, Mindrum teaches an additional variation; "Growing Memories" (see Mindrum column 4 lines 32-47, especially lines 43-45), whereby a life story is updated annually as a person grows. Mindrum also teaches a "Family Archive Service" (Mindrum column 4 lines 24-32) whereby family data (i.e. media) is stored and retrieved.

Mindrum's media data is clearly stored within a database (see at least Mindrum column 9 lines 10-15). At Mindrum column 10 lines 37-66, the reader clearly sees various media information indexed accordingly within a database. Typical relational databases rely upon indexing of data utilizing at least various keys and identifiers. Since it is well established that relational databases provide efficient data storage and retrieval, the customized searching of Mindrum's database (i.e. SQL queries, etc.) requires that data be indexed, so that SQL queries can extract said indexes accordingly.

It is noted that representative claim 1 is moot regarding direct manual intervention. Appellant alleges on page 10 of the brief that Mindrum's user interface appears to be for display only. As explained above, the examiner respectfully disagrees, since Mindrum also teaches alternative embodiments including an annually updating "Growing Memories", and a "Family Archive", which accepts user submissions (e.g. via "Life Pack, etc."). Each annual update of a person's life reflects a new creation.

b. "***Arellano does not teach what it is cited for.***" (page 10-11, of the brief).

The examiner respectfully disagrees. Appellant alleges that Arellano does not teach the limitations of instant claim 1. However, Appellant offers no analysis as to why the examiner is allegedly wrong. As stated in the instant rejections, Mindrum does not specifically teach calculating a correlation

among sets and obtaining sets satisfying an evaluation reference. However, Arellano teaches creation of an interactive multimedia application that can dynamically adapt to a user (see at least Arellano Abstract). It is respectfully noted that Arellano uses a content database to a substantial degree (see at least Arellano column 35 lines 44-55). Arellano uses a User Agent to re-evaluate the importance of features and values by utilizing correlation computations between features. Arellano is applied to Mindrum's various media data during creation and updating of a Life Story, providing Mindrum the benefit of dynamically updating a Life Story presentation by automatically choosing (and categorizing) the best (i.e. contextually best) appropriate material submitted by friends of the deceased (or submitted as a person grows from child to adult).

c. "***There is no motivation to combine the references***" (page 11 of the brief)

The examiner respectfully disagrees. Mindrum teaches much more then merely "viewing" recordations. At some point in time a person's Life Story (or Growing Memories, etc.) must be created and updated. Creation at least involves the collection and relevant sorting of target material, facilitating creation of a new story. A user can also retrieve data via a Family Archive Service. It is also within reason that the Life Story of a deceased person can change pursuant to submissions of new material, facilitating creation of new life stories as necessary.

Mindrum teaches various fields and descriptions of a file (i.e. features) (Mindrum column 10 lines 40-67). Arellano is added to Mindrum to prioritize these features, facilitating greater contextual presentation when created and/or updated.

d. "***Claims 19-23 and 29-32.***" (pages 12-14 of the brief).

Appellant alleges that Arellano does not teach "agitation", "pseudo physical rules", "repeating said agitation" etc. The examiner respectfully disagrees. The examiner's analysis set forth above applies to these arguments as well.

It is respectfully noted that Appellant does not offer any analysis of why the examiner is allegedly wrong, nor does Appellant offer any definition of "agitation" and "pseudo physical rules" to shed light on Appellant's intended meaning of the instant claims. The examiner reasonably interprets execution of a computer algorithm as "agitation" (which can be repeated accordingly), and execution of a correlation algorithm as a form of "pseudo physical rule" which can be repeatedly applied if necessary. At least in this regard, claims 19 and 31 are substantially similar in scope to instant claims 8 and 1 respectively.

d. "***Claim 24***" (pages 14-15 of the brief) (Appellant arguments presented for claims 25-28 (pages 16-17 of the brief) are similar)

Appellant alleges that the cited art of record does not teach instant claim 24. The examiner respectfully disagrees. Mindrum teaches data reflective of physical entities (i.e. scanned physical photos, etc.), as well as a way to update (edit/add/delete, etc.) information accordingly (Mindrum column 10 lines 35-67, column 14 lines 10-15). Mindrum creates a finished product without creating collisions between various media in the presentation (read/right locking to avoid collisions is well established in the database art), thereby enforcing responsible replacement by users.

Since Mindrum's invention centers around a life story of an individual (i.e. the physical growth of said individual), it would have been at least obvious to one of ordinary skill in the art at the time of the invention to interpret the "Lifeline" as depicted in Mindrum Figure 14 item 185 as reflective of a parameter of movement, speed, and growth of a mass (e.g. the physical growth of a person from birth to the present. Figure 15 also at least suggests the above as well, providing the benefit of showcasing one's life in the order and speed he/she lived it.

e. "***Claims 4 and 11***" (pages 17-19 of the brief) (Appellant arguments presented on pages 19-21 are similar).

Appellant alleges that the cited references do not teach instant claims 4 and 11. The examiner respectfully disagrees. Regard the rejection of claims 4 and 5, Mindrum does not specifically teach vectors plotted, scattered and analyzed in a tank (i.e. a graph). However, Smith teaches query approximation associated with a multimedia database using vector plotting, which form angles (Smith column 5 lines 10-15, also Abstract and Figures 4, 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Smith to Mindrum, providing Mindrum the benefit of vector analysis for a more accurate search of database indexes.

Smith teaches vector plotting (i.e. graphing using pseudo points, etc.). The skilled artisan is cognizant that plotting and graphing are typically used for evaluation analysis.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

William L. Bashore

May 17, 2007

WILLIAM BASHORE
PRIMARY EXAMINER

Conferees:

Doug Hutton (2176)

Stephen Hong (2178)